

CLARK GULDIN
ATTORNEYS AT LAW

October 25, 2018

Honorable Alison J. Nathan
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Charles v. Seinfeld, et al.*; Docket No. 18-CV-1196 (AJN)(KHP)

Dear Judge Nathan:

On October 22, 2018, Your Honor's October 19 Order [Docket #82] was entered and distributed by the court's ECF system. A copy of the email notification I received from the ECF Pool is attached.

Because notice of entry was first received on October 22, I have construed the Court's Order to require re-filing of Plaintiff's brief five days later – *i.e.*, by October 27, and respectfully request confirmation of that deadline. I am keenly aware that my prior filing of a 40-page brief was non-compliant, leading the Court to order re-filing. I have previously noted that Plaintiff's opposition to Defendants' motion is fact-intensive, and now respectfully request consent to file a brief of not more than 29 pages.

Respectfully submitted,

s/s Peter L. Skolnik, Esq.
Peter L. Skolnik (PLS 4876)
Attorney for Christian Charles

cc: Orin Snyder, Esq. (via ECF)

Peter Skolnik

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Monday, October 22, 2018 9:34 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:18-cv-01196-AJN-KHP Charles v. Seinfeld et al Order

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/22/2018 at 9:33 AM EDT and filed on 10/19/2018

Case Name: Charles v. Seinfeld et al

Case Number: 1:18-cv-01196-AJN-KHP

Filer:

Document Number: 82

Docket Text:

ORDER: On October 18, 2018, Plaintiff filed a 40-page Memorandum of Law in support of his Opposition to Defendants' Motion to Dismiss. Dkt. No. 76. Defendants then wrote the Court requesting that the Court strike the Opposition for its failure to comply with Rule 3.B of the Court's Individual Practices, which limits memoranda in support of and in opposition to motions to 25 pages. Dkt. No. 80. Plaintiff responded by requesting retroactive permission to file his memorandum on the grounds that the factual history of this case required lengthy exposition. Dkt. No. 81. In these submissions, Defendants also "reserve" their right to move to strike affidavits and declarations attached to Plaintiff's memorandum, while Plaintiff argues that such documents are appropriately submitted as integral to the pleading. Dkt. No. 81. The Court hereby GRANTS Defendants' request to strike and DENIES Plaintiff's request for permission to file a brief in excess of 25 pages. Accordingly, Plaintiff is hereby ordered to refile a compliant opposition brief within 5 days of this Order. Defendants' reply shall be due 14 days after that submission. The Court will address any timely filed motions to strike as needed. (Signed by Judge Alison J. Nathan on 10/19/2018) (mro)

1:18-cv-01196-AJN-KHP Notice has been electronically mailed to:

Orin Snyder osnyder@gibsondunn.com, MAO@gibsondunn.com, aarias@gibsondunn.com

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